

**Exhibit 1**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LIBERTY MEDIA HOLDINGS, LLC	)	Case No. 2:12-cv-00923-LRH -GWF
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
SERGEJ LETYAGIN, d/b/a	)	
SUNPORNO.COM, IDEAL CONSULT,	)	
LTD., "ADVERT", "CASTA",	)	
"TRIKSTER", "WORKER", "LIKIS",	)	
"TESTER" and DOES 1-50	)	
	)	
Defendants	)	
	)	
_____	)	

**DECLARATION OF VALENTIN DAVID GURVITS**

I, Valentin David Gurvits, declare as follows:

1. I am a member of the bar of the Commonwealth of Massachusetts and admitted *pro hac vice* as an attorney of record for Defendants Sergej Letyagin and Ideal Consult, Ltd. (the "Defendants") in the above-referenced proceeding.

2. My co-counsel Evan Fray-Witzer and I represent two of the Defendants in the present action, as well as certain other defendants, Igor Kovalchuk, ERA Technologies, Ltd. and Extron Worldwide Corp. (the "Florida Defendants") in a similar action pending in the United States District Court in the Southern District of Florida (*Cybernet Entertainment, LLC v. Kovalchuk*, Case No. 0:12-CV-606600-RNS)(*pro hac vice pending*).

3. Attorney Marc Randazza represents the Plaintiff in the Florida action and is also the Plaintiff's counsel in the present action.

4. On July 19, 2012, Attorney Randazza sent an email to me (Attached hereto as Exhibit A) wherein he declared his intention to file a return of service in the Florida action based on invented and improper service, and to seek a default.

5. Because there was no legal basis for filing such proof of service (since Attorney Randazza knew that the individual he served was not authorized to accept service on behalf of the Florida Defendants), I did not believe that Attorney Randazza would follow through with such an ill-conceived filing. Nevertheless, I began monitoring the online docket in Florida.

6. To my surprise, on July 24, 2012, Attorney Randazza created an emergency in the Florida case by filing the proof of service and a motion for default, resulting in the Florida clerk's automatic issuance of the default. At that point, Attorney Fray-Witzer and I were formally retained by the Florida Defendants to represent them in that matter and to secure local counsel on their behalf.

7. This improper Florida filing, and the resulting automatic default, caused me and my co-counsel to drop everything else in order to work on filing a Motion to Quash and a Motion for Sanctions in the Florida action. That motion is now pending before the Court in the Southern District of Florida.

8. Although we were aware that our Reply in the present action was due by July 30, 2012, we were required to prioritize the Florida action, due to our understanding that prompt action must be taken by a party seeking to remove a default.

9. On Monday July 30, 2012, we finished and filed in the Florida court a Motion to Quash and Motion for Sanctions.

10. I then at 2:07 pm Eastern time (and 11:07 am Nevada time where Attorney Randazza is located), emailed Attorney Randazza to request a very brief two-day extension for

our filing of the Reply in light of the emergency that Attorney Randazza himself created in the Florida case. A copy of that email is attached hereto as Exhibit B.

11. Attorney Randazza neither agreed nor refused to grant the extension, but instead replied with ambiguity and manufactured accusations of misrepresentations.

12. Throughout the course of the day I sent several emails to him requesting the extension. *See* e-mail correspondence between Attorney Gurvits and Attorney Randazza, attached hereto as Exhibit B and Exhibits C-1 through C-6.

13. As can be plainly seen from the attached e-mail correspondence, Attorney Randazza initially led us to believe that he was going to grant the extension.

14. At 6:41 pm (3:41 Nevada time) my co-counsel Evan Fray-Witzer sent Attorney Randazza an email (attached hereto as Exhibit D) asking Attorney Randazza to let us know if he will grant the extension. He did not reply to that email.

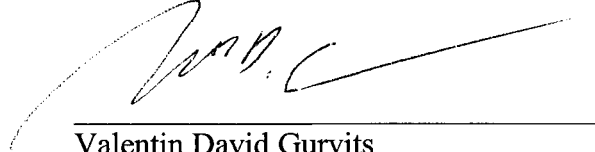
15. My last email to Attorney Randazza was at 6:47 pm Eastern time (3:37 pm Pacific time), wherein I once again requested an extension (Exhibit C-6). He did not reply to that email and ceased all communication with us.

16. As a direct result of both the emergency situation manufactured by Attorney Randazza in the Florida *Cybernet* case and Attorney Randazza's intentionally vague responses in relation to our request for an extension, we ended up filing Defendants' Reply Brief in Support of Motion to Dismiss for Lack of Personal Jurisdiction in the present action two minutes late at 12:02 am Pacific time.

17. In truth, had we had additional time, there were a number of additional arguments and additional cases which we wished to bring to the Court's attention – and which we believed would aid the Court in its consideration of the Defendants' pending motion to dismiss – but,

respectful of the deadline set by this Court, we simply stopped working on the reply brief so that we could file it with the Court on time. We regret that we nonetheless missed the deadline by two minutes. If the Court were interested or open to our submitting an amended Reply, we would happily add the additional materials which we had intended to present to the Court.

I declare pursuant to 28 U.S.C. § 1746 under the penalty of perjury that the foregoing is true and correct. Executed in Newton, Massachusetts on July 31, 2012.



---

Valentin David Gurvits  
Boston Law Group, PC  
825 Beacon Street, Suite 20  
Newton, MA 02459  
Phone: (617) 928-1804  
Facsimile: (617) 928-1802  
Email: [vgurvits@bostonlawgroup.com](mailto:vgurvits@bostonlawgroup.com)  
*Pro hac vice*  
*Counsel for Sergej Letyagin and Ideal*  
*Consult, Ltd.*

**Exhibit A**

# Exhibit A

## Val Gurvits

**From:** mjr@randazza.com  
**Sent:** Thursday, July 19, 2012 8:06 PM  
**To:** Val Gurvits  
**Cc:** Evan Fray-Witzer; Chad Belville; Jason Fischer  
**Subject:** Service on Dr. Tuber

Val,

As you may be aware, we served Constantin Luchian with the complaint in Dr. Tuber.

It is our position that he is a valid person to serve, since a DMCA agent is an agent to receive copyright complaints -- so it is illogical that he would be an improper person to serve a copyright complaint on.

I predict, and presume, that you take a contrary position.

If we are correct, then your client has defaulted. If we are wrong, then we'll have to take some other measures to serve.

It is our intention to file the return of service. I would like us to agree on either a) you accept that as adequate service, and we stipulate to an extended period of time in which you may file a responsive pleading (but waive the service argument), or b) you maintain the service argument, and we agree on a briefing schedule to argue about that particular point.

I certainly respect the position that service on a DMCA agent is not "service," since I am unaware of a case that has resolved that one way or the other. If the matter must be decided, it may as well be decided now.

What is your position? We've served and you'll answer / File a 12(b)(2) in say 30 days? Or do you want to file a motion to quash in a little less than that (but still with a reasonable amount of time for you).

---

Marc John Randazza\*  
Randazza Legal Group

6525 West Warm Springs Rd. Ste. 100  
Las Vegas, Nevada 89118  
Toll Free: 888-667-1113  
email: mjr (at) randazza (dot) com  
eFax: 305.437.7662

Other Offices: Miami, Phoenix & Toronto  
<http://www.randazza.com>

---

\* Licensed in AZ, CA, FL, MA, and NV

7/31/2012

**Exhibit B**

**Exhibit B**



**Exhibit B****Val Gurvits**

**From:** Val Gurvits  
**Sent:** Monday, July 30, 2012 2:07 PM  
**To:** Marc Randaza (mjr@randazza.com)  
**Cc:** 'Evan Fray-Witzer'; 'Jim Boyle'  
**Subject:** Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF  
**Importance:** High

Marc,

In light of the return of service filing and the resulting default in the Florida action, Evan and I ended up working on the Florida action over the past week. That has eaten into the time we planned on using to reply to your opposition in the above-captioned matter.

Accordingly, I respectfully request two (2) additional days for replying to your opposition.

Best,

Val Gurvits  
Boston Law Group, PC  
825 Beacon Street, Suite 20  
Newton Centre, MA 02459  
(617) 928-1804 direct  
(617) 928-1800 main  
(617) 928-1802 fax  
[vgurvits@bostonlawgroup.com](mailto:vgurvits@bostonlawgroup.com)

-----  
The contents of this message and any attachments are confidential and intended only for the addressee(s). This message may also be subject to attorney-client privilege. If you received this message in error, please notify Boston Law Group, PC immediately and destroy the original message.

Boston Law Group, PC  
tel: 617/928-1800  
e-mail: [info@bostonlawgroup.com](mailto:info@bostonlawgroup.com)

1.2

7/31/2012

**Exhibit C**

# Exhibit C-1

## **Val Gurvits**

---

**From:** mjr@randazza.com  
**Sent:** Monday, July 30, 2012 4:58 PM  
**To:** Val Gurvits  
**Cc:** evan@cfwlegal.com; jboyle@nevadafirm.com  
**Subject:** RE: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF

Why didn't you guys call me regarding the Florida thing? I emailed you that we would give you an extension on that, and told your local the same thing.

----- Original Message-----

Subject:: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF  
From: Val Gurvits <gurvits@bostonlawgroup.com>  
Date: Jul 30, 2012 11:07 AM  
To:: "Marc Randaza (mjr@randazza.com)" <mjr@randazza.com>  
CC: "Evan Fray-Witzer" <Evan@CFWLegal.com>, "Jim Boyle" <jboyle@nevadafirm.com>

Marc,

In light of the return of service filing and the resulting default in the Florida action, Evan and I ended up working on the Florida action over the past week. That has eaten into the time we planned on using to reply to your opposition in the above-captioned matter.

Accordingly, I respectfully request two (2) additional days for replying to your opposition.

Best,

Val Gurvits  
Boston Law Group, PC  
825 Beacon Street, Suite 20  
Newton Centre, MA 02459  
(617) 928-1804 direct  
(617) 928-1800 main  
(617) 928-1802 fax  
vgurvits@bostonlawgroup.com<mailto:vgurvits@bostonlawgroup.com>

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Boston Law Group, PC  
tel: 617/928-1800  
e-mail: info@bostonlawgroup.com<mailto:info@bostonlawgroup.com>

## Exhibit C-2

### Val Gurvits

**From:** Val Gurvits  
**Sent:** Monday, July 30, 2012 5:14 PM  
**To:** mjr@randazza.com  
**Cc:** evan@cfwlegal.com; jboyle@nevadafirm.com  
**Subject:** Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF

We saw the default as an emergency. Courts look at whether the defaulted party moved quickly to respond. And the local counsel mentioned that you wanted him to accept service.

So can we have two additional days for our Nevada reply?

Val  
Sent from my iPhone

On Jul 30, 2012, at 4:58 PM, "mjr@randazza.com" <mjr@randazza.com> wrote:

> Why didn't you guys call me regarding the Florida thing? I emailed you that we would give you an extension on that, and told your local the same thing.  
>  
> ----- Original Message-----  
> Subject:: Liberty Media Holdings LLC v. Sergej Letyagin - Case  
> 2:12-cv-00923-LRH -GWF  
> From: Val Gurvits <gurvits@bostonlawgroup.com>;  
> Date: Jul 30, 2012 11:07 AM  
> To:: "Marc Randaza (mjr@randazza.com)" <mjr@randazza.com>  
> CC: "Evan Fray-Witzer" <Evan@CFWLegal.com>, "'Jim Boyle'"  
> <jboyle@nevadafirm.com>  
>  
> Marc,  
>  
> In light of the return of service filing and the resulting default in the Florida action, Evan and I ended up working on the Florida action over the past week. That has eaten into the time we planned on using to reply to your opposition in the above-captioned matter.  
>  
> Accordingly, I respectfully request two (2) additional days for replying to your opposition.  
>  
> Best,  
>  
> Val Gurvits  
> Boston Law Group, PC  
> 825 Beacon Street, Suite 20  
> Newton Centre, MA 02459  
> (617) 928-1804 direct  
> (617) 928-1800 main  
> (617) 928-1802 fax  
> vgurvits@bostonlawgroup.com<mailto:vgurvits@bostonlawgroup.com>  
>  
> -----  
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>  
>

## Exhibit C-3

### Val Gurvits

**From:** mjr@randazza.com  
**Sent:** Monday, July 30, 2012 5:28 PM  
**To:** Val Gurvits  
**Cc:** evan@cfwlegal.com; jboyle@nevadafirm.com  
**Subject:** Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF

That's not true at all. I told him that was one option, but that we would respect a mtg. I told you the same thing in my email.

I'll grant you an extension when you tell me the truth. If it was just that you wanted the billing, I can deal with that. But none of this jibes with the facts.

----- Original Message-----

Subject:: Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF  
From: Val Gurvits <gurvits@bostonlawgroup.com>  
Date: Jul 30, 2012 2:13 PM  
To:: "mjr@randazza.com" <mjr@randazza.com>  
CC: "evan@cfwlegal.com" <evan@cfwlegal.com>, "jboyle@nevadafirm.com" <jboyle@nevadafirm.com>

We saw the default as an emergency. Courts look at whether the defaulted party moved quickly to respond. And the local counsel mentioned that you wanted him to accept service.

So can we have two additional days for our Nevada reply?

Val  
Sent from my iPhone

On Jul 30, 2012, at 4:58 PM, "mjr@randazza.com" <mjr@randazza.com> wrote:

> Why didn't you guys call me regarding the Florida thing? I emailed you that we would give you an extension on that, and told your local the same thing.

>

> ----- Original Message-----

> Subject:: Liberty Media Holdings LLC v. Sergej Letyagin - Case  
> 2:12-cv-00923-LRH -GWF

> From: Val Gurvits <gurvits@bostonlawgroup.com>

> Date: Jul 30, 2012 11:07 AM

> To:: "Marc Randaza (mjr@randazza.com)" <mjr@randazza.com>

> CC: "Evan Fray-Witzer" <Evan@CFWLegal.com>, "Jim Boyle"

> <jboyle@nevadafirm.com>

>

> Marc,

>

> In light of the return of service filing and the resulting default in the Florida action, Evan and I ended up working on the Florida action over the past week. That has eaten into the time we planned on using to reply to your opposition in the above-captioned matter.

>

> Accordingly, I respectfully request two (2) additional days for replying to your opposition.

>

> Best,

>

> Val Gurvits

> Boston Law Group, PC

> 825 Beacon Street, Suite 20

> Newton Centre, MA 02459

> (617) 928-1804 direct

> (617) 928-1800 main

## Exhibit C-4

### Val Gurvits

---

**From:** Val Gurvits  
**Sent:** Monday, July 30, 2012 5:35 PM  
**To:** mjr@randazza.com  
**Cc:** evan@cfwlegal.com; jboyle@nevadafirm.com  
**Subject:** Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF

So do I understand you correctly that you are denying my request for a two day extension?

Val  
Sent from my iPhone

On Jul 30, 2012, at 5:28 PM, "mjr@randazza.com" <mjr@randazza.com> wrote:

> That's not true at all. I told him that was one option, but that we would respect a mtg. I told you the same thing in my email.

>

> I'll grant you an extension when you tell me the truth. If it was just that you wanted the billing, I can deal with that. But none of this jibes with the facts.

>

>

>

> ----- Original Message-----

> Subject:: Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case  
> 2:12-cv-00923-LRH -GWF

> From: Val Gurvits <gurvits@bostonlawgroup.com>;

> Date: Jul 30, 2012 2:13 PM

> To:: "mjr@randazza.com" <mjr@randazza.com>

> CC: "evan@cfwlegal.com" <evan@cfwlegal.com>, "jboyle@nevadafirm.com"

> <jboyle@nevadafirm.com>

>

> We saw the default as an emergency. Courts look at whether the defaulted party moved quickly to respond. And the local counsel mentioned that you wanted him to accept service.

>

> So can we have two additional days for our Nevada reply?

>

> Val

> Sent from my iPhone

>

> On Jul 30, 2012, at 4:58 PM, "mjr@randazza.com" <mjr@randazza.com> wrote:

>

>> Why didn't you guys call me regarding the Florida thing? I emailed you that we would give you an extension on that, and told your local the same thing.

>>

>> ----- Original Message-----

>> Subject:: Liberty Media Holdings LLC v. Sergej Letyagin - Case  
>> 2:12-cv-00923-LRH -GWF

>> From: Val Gurvits <gurvits@bostonlawgroup.com>;

>> Date: Jul 30, 2012 11:07 AM

>> To:: "Marc Randaza (mjr@randazza.com)" <mjr@randazza.com>

>> CC: "Evan Fray-Witzer" <Evan@CFWLegal.com>, "'Jim Boyle'"

>> <jboyle@nevadafirm.com>

>>

>> Marc,

>>

>> In light of the return of service filing and the resulting default in the Florida action, Evan and I ended up working on the Florida action over the past week. That has eaten into the time we planned on using to reply to your opposition in the above-captioned matter.

>>

>> Accordingly, I respectfully request two (2) additional days for replying to your opposition.

**Exhibit C-5****Val Gurvits**

**From:** mjr@randazza.com  
**Sent:** Monday, July 30, 2012 6:27 PM  
**To:** Val Gurvits  
**Cc:** evan@cfwlegal.com; jboyle@nevadafirm.com  
**Subject:** Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF

no you do not understand correctly. I am not denying it. I am conditioning it on you being honest with me, because I think that will facilitate things in the future.

----- Original Message-----

Subject:: Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF  
 From: Val Gurvits <gurvits@bostonlawgroup.com>  
 Date: Jul 30, 2012 2:35 PM  
 To:: "mjr@randazza.com" <mjr@randazza.com>  
 CC: "evan@cfwlegal.com" <evan@cfwlegal.com>, "jboyle@nevadafirm.com" <jboyle@nevadafirm.com>

So do I understand you correctly that you are denying my request for a two day extension?<br><br><br>Val<br>Sent from my iPhone<br><br>On Jul 30, 2012, at 5:28 PM, "mjr@randazza.com" <mjr@randazza.com> wrote:<br><br>> That's not true at all. I told him that was one option, but that we would respect a mtg. I told you the same thing in my email. <br>> <br>> I'll grant you an extension when you tell me the truth. If it was just that you wanted the billing, I can deal with that. But none of this jibes with the facts. <br>> <br>> <br>> <br>> ----- Original Message-----<br>> Subject:: Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF<br>> From: Val Gurvits <gurvits@bostonlawgroup.com><br>> Date: Jul 30, 2012 2:13 PM<br>> To:: "mjr@randazza.com" <mjr@randazza.com><br>> CC: "evan@cfwlegal.com" <evan@cfwlegal.com>, "jboyle@nevadafirm.com" <jboyle@nevadafirm.com><br>> <br>> We saw the default as an emergency. Courts look at whether the defaulted party moved quickly to respond. And the local counsel mentioned that you wanted him to accept service. <br>> <br>> So can we have two additional days for our Nevada reply?<br>> <br>> Val<br>Sent from my iPhone<br>> <br>> On Jul 30, 2012, at 4:58 PM, "mjr@randazza.com" <mjr@randazza.com> wrote:<br>> <br>>> Why didn't you guys call me regarding the Florida thing? I emailed you that we would give you an extension on that, and told your local the same thing. <br>>> <br>>> ----- Original Message-----<br>>> Subject:: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF<br>>> From: Val Gurvits <gurvits@bostonlawgroup.com><br>>> Date: Jul 30, 2012 11:07 AM<br>>> To:: "Marc Randaza (mjr@randazza.com)" <mjr@randazza.com><br>>> CC: "Evan Fray-Witzer" <Evan@CFWLegal.com>, "'Jim Boyle'" <jboyle@nevadafirm.com><br>>> <br>>> Marc,<br>>> <br>>> In light of the return of service filing and the resulting default in the Florida action, Evan and I ended up working on the Florida action over the past week. That has eaten into the time we planned on using to reply to your opposition in the above-captioned matter.<br>>> <br>>> Accordingly, I respectfully request two (2) additional days for replying to your opposition.<br>>> <br>>> Best,<br>>> <br>>> Val Gurvits<br>>> Boston Law Group, PC<br>>> 825 Beacon Street, Suite 20<br>>> Newton Centre, MA 02459<br>>> (617) 928-1804 direct<br>>> (617) 928-1800 main<br>>> (617) 928-1802 fax<br>>> vgurvits@bostonlawgroup.com<br>>> <br>>> <br>>>

-----<br>>> The contents of this message and any attachments are confidential and intended only for the addressee(s). This message may also be subject to attorney-client privilege. If you received this message in error, please notify Boston Law Group, PC immediately and destroy the original message.<br>>> <br>>> Boston Law Group, PC<br>>> tel: 617/928-1800<br>>> e-mail: info@bostonlawgroup.com<br>>> <br>>> <br>>> <br>>>

# Exhibit C-6

## Val Gurvits

**From:** Val Gurvits  
**Sent:** Monday, July 30, 2012 6:47 PM  
**To:** mjr@randazza.com  
**Cc:** evan@cfwlegal.com; jboyle@nevadafirm.com  
**Subject:** Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF

Marc, I am honestly telling you that we were busy working on the motion to quash because we considered that to be of utmost importance given the default in Florida. In light of the Florida Court issuing a default, we felt it was important to get our motion in Florida on file immediately, notwithstanding your offer to extend the Florida timeline. I thank you for that courtesy in that regard, but my practice is to deal with defaults immediately. However, I would appreciate your courtesy in granting me a two day extension in the Nevada litigation. May I have it?

Val  
 Sent from my iPhone

On Jul 30, 2012, at 6:27 PM, "mjr@randazza.com" <mjr@randazza.com> wrote:

> no you do not understand correctly. I am not denying it. I am conditioning it on you being honest with me, because I think that will facilitate things in the future.

>  
 > ----- Original Message-----  
 > Subject:: Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case  
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 > From: Val Gurvits <gurvits@bostonlawgroup.com>;  
 > Date: Jul 30, 2012 2:35 PM  
 > To:: "mjr@randazza.com" <mjr@randazza.com>  
 > CC: "evan@cfwlegal.com" <evan@cfwlegal.com>, "jboyle@nevadafirm.com"  
 > <jboyle@nevadafirm.com>  
 >  
 > So do I understand you correctly that you are denying my request for a  
 > two day extension?<br/><br/><br/>Val<br/>Sent from my  
 > iPhone<br/><br/>On Jul 30, 2012, at 5:28 PM, "mjr@randazza.com"  
 > <mjr@randazza.com> wrote:<br/><br/>> That's not true at all. I told  
 > him that was one option, but that we would respect a mtq. I told you  
 > the same thing in my email. <br/>> <br/>> I'll grant you an extension  
 > when you tell me the truth. If it was just that you wanted the  
 > billing, I can deal with that. But none of this jibes with the facts.  
 > <br/>> <br/>> <br/>> ----- Original Message-----<br/>>  
 > Subject:: Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case  
 > 2:12-cv-00923-LRH -GWF<br/>> From: Val Gurvits  
 > <gurvits@bostonlawgroup.com>;<br/>> Date: Jul 30, 2012 2:13  
 > PM<br/>> To:: "mjr@randazza.com" <mjr@randazza.com><br/>> CC:  
 > "evan@cfwlegal.com" <evan@cfwlegal.com>, "jboyle@nevadafirm.com"  
 > <jboyle@nevadafirm.com><br/>> <br/>> We saw the default as an  
 > emergency. Courts look at whether the defaulted party moved quickly to  
 > respond. And the local counsel mentioned that you wanted him to accept  
 > service. <br/>> <br/>> So can we have two additional days for our  
 > Nevada reply?<br/>> <br/>> Val<br/>> Sent from my iPhone<br/>> <br/>>  
 > On Jul 30, 2012, at 4:58 PM, "mjr@randazza.com" <mjr@randazza.com>  
 > wrote:<br/>> <br/>>> Why didn't you guys call me regarding the Florida  
 > thing? I emailed you that we would give you an extension on that, and  
 > told your local the same thing. <br/>>> <br/>>> ----- Original  
 > Message-----<br/>>> Subject:: Liberty Media Holdings LLC v. Sergej  
 > Letyagin - Case 2:12-cv-00923-LRH -GWF<br/>>> From: Val Gurvits  
 > <gurvits@bostonlawgroup.com>;<br/>>> Date: Jul 30, 2012 11:07  
 > AM<br/>>> To:: "Marc Randaza (mjr@randazza.com)"  
 > <mjr@randazza.com><br/>>> CC: "Evan Fray-Witzer"  
 > <Evan@CFWLegal.com>, "'Jim Boyle'" <jboyle@nevadafirm.com><br/>>>  
 > <br/>>> Marc,<br/>>> <br/>>> In light of the return of service filing  
 > and the resulting default in the Florida action, Evan and I ended up



**Exhibit D**

Exhibit D**Val Gurvits**

---

**From:** Evan Fray-Witzer [Evan@CFWLegal.com]  
**Sent:** Monday, July 30, 2012 6:41 PM  
**To:** Val Gurvits  
**Subject:** RE: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF

Oh, jeez, kids.

Marc - on the 20th, you emailed us claiming service in Florida based on the "service" on Luchian. The clients hadn't engaged us in that matter to date because they hadn't been served. Val had emailed both you and Chad to that effect earlier. Still, Val tried to get in touch with the clients and I started checking the docket. We were surprised to see the return and the motion for default on Tuesday, as well as the Court's allowance of the default on Wednesday. It's our practice that you can NEVER allow a default to sit without responding to it immediately (since the cases stress that it's a factor), so we dropped work on Nevada in favor of Florida. When local counsel filed our PHV applications, he said he got a call from you in which you offered to drop the default IF the client would accept service. He also said that you told him you were reaching out to him because of the "strained" relationship you had with us. The strained relationship was news to us. Anyway, conceding service was not an acceptable option, so we kept our focus on Florida until today. So, there's no dishonesty here. Possibly a game of "telephone" with Florida, but that's it.

It's 6:30 here on the East coast. If we need to file by midnight west coast time, that's fine. If not, that's fine too. Just let us know now if you would.

Evan Fray-Witzer  
 Ciampa Fray-Witzer, LLP  
 20 Park Plaza, Suite 804  
 Boston, MA 02116  
 (617) 426-0000  
 (617) 507-8043 (facsimile)  
 Evan@CFWLegal.com

-----Original Message-----

From: mjr@randazza.com [mailto:mjr@randazza.com]  
 Sent: Monday, July 30, 2012 6:27 PM  
 To: gurvits@bostonlawgroup.com  
 Cc: evan@cfwlegal.com; jboyle@nevadafirm.com  
 Subject: Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF

no you do not understand correctly. I am not denying it. I am conditioning it on you being honest with me, because I think that will facilitate things in the future.

----- Original Message-----

Subject:: Re: Liberty Media Holdings LLC v. Sergej Letyagin - Case 2:12-cv-00923-LRH -GWF  
 From: Val Gurvits <gurvits@bostonlawgroup.com>  
 Date: Jul 30, 2012 2:35 PM  
 To:: "mjr@randazza.com" <mjr@randazza.com>  
 CC: "evan@cfwlegal.com" <evan@cfwlegal.com>, "jboyle@nevadafirm.com" <jboyle@nevadafirm.com>

So do I understand you correctly that you are denying my request for a two day extension?  
 Val  
 Sent from my iPhone  
 On Jul 30, 2012, at 5:28 PM, "mjr@randazza.com" <mjr@randazza.com> wrote: That's not true at all. I told him that was one option, but that we would respect a mtg. I told you the same thing in my email. I'll grant you an extension when you tell me the truth. If it was just that you wanted the billing, I can deal with that. But none of this jibes with the facts. ----- Original Message----- Subject:: Re: